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VIA ELECTRONIC FILING

September 30, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 F Street SW
Washington, DC 20423

ENTERED
Office of Proceedings

SEP 30 2011

Part of
Public Record

Re: STB Finance Docket No. 35539, Petition for Declaratory Order, Jie Ao and Xin Zhou

Dear Ms. Brown:

On September 19, 2011, Jie Ao and Xin Zhou filed a Petition for a Declaratory Order in the above-referenced docket. The Port of Seattle owns the rail line at issue and therefore has a direct interest in the Petition.

The ICC Termination Act clearly preempts the petitioners' state property law quiet title action that is the subject of the Petition, and therefore we respectfully request that you deny the Petition and discontinue this proceeding because no controversy or uncertainty exists. *City of Lincoln—Petition for Declaratory Order*, STB Finance Docket No. 34425 (STB served Aug. 11, 2004) (the ICCTA preempts state property law actions that prevent or unduly interfere with railroad operations and interstate commerce), *Mid-America Locomotive and Car Repair, Inc.—Petition for Declaratory Order*, STB Finance Docket No. 34599 (STB served June 6, 2005) (the Board may deny a request for an institution of a declaratory order proceeding where no need exists).

If the Board decides to institute a declaratory order proceeding, the Port looks forward to participating in this proceeding in accordance with the procedural schedule that the Board establishes for the submission of evidence and argument in response to the Petition.

Sincerely,

Peter W. Denton
Counsel for Port of Seattle

cc: All Parties of Record
Soojin E. Kim, Port of Seattle
John McDowall, Carney Badley Spellman, P.S.

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CERTIFICATE OF SERVICE
STB Finance Docket No. 35539

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I, Peter W. Denton, hereby certify that on September 30, 2011, the attached Notice of Appearance has been served on the following parties, via electronic mail:

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Peter W. Denton
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